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11 Attorneys for Plaintiff
C.F.C., a minor, by and through
12 Christine F., his parent and guardian

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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**
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18 C.F.C., minor, by and through CHRISTINE
F., his parent and guardian, on behalf of
19 himself and all others similarly situated,

20 Plaintiff,

21 v.

22 POWER BALANCE LLC; a Delaware
Limited Liability Company.

23 Defendants.
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CASE NO. 3:11-CV-00487-EMC

Hon. Edward M. Chen

**REQUEST FOR DISMISSAL PURSUANT
TO FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(2) AND
[PROPOSED] ORDER**

1 Plaintiff C.F.C., minor, by and through Christine F., his parent and guardian ("Plaintiff")
2 requests as follows:

3 WHEREAS, on November 18, 2011, Defendant Power Balance, LLC filed a voluntary
4 Chapter 11 petition for relief in the United States Bankruptcy Court for the Central District of
5 California, Case No. 8:11-25982.

6 WHEREAS, the court in the bankruptcy action has confirmed Power Balance's Third
7 Amended Chapter 11 Liquidating Plan.

8 WHEREAS, Plaintiff's claims will be resolved by the Third Amended Chapter 11
9 Liquidating Plan.

10 WHEREAS, Plaintiff has contacted Power Balance's bankruptcy attorneys and requested
11 that they sign a Stipulation for Voluntary Dismissal pursuant to F.R.C.P. 41(a)(1)(A)(ii).
12 However, Plaintiff has not heard back from Power Balance's attorneys for several months and
13 therefore requests an Order from the Court.

14 Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff, through his
15 counsel of record, hereby requests a dismissal, without prejudice, of all claims for relief asserted
16 by Plaintiff against Defendant in the above-captioned action. Each party shall bear its own costs
17 and fees.

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19 Dated: July 2, 2014

LEXINGTON LAW GROUP

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21 /s/ Mark Todzo
22 Mark Todzo
23 Attorneys for Plaintiff
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1 **PURSUANT TO THE REQUEST, IT IS SO ORDERED.**

The Clerk of the
Court is directed to
close this case.

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4 Dated: ~~June _____, 2014~~ July 8, 2014

